

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

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|------------------------------|---|-----------------|
| NEW YORK LIFE INSURANCE | : | |
| COMPANY, | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| V. | : | C.A. NO. 14-74S |
| | : | |
| MASSIEL ORTIZ and JULIA KLAH | : | |
| | : | |
| Defendants | : | |

DEFENDANT MASSIEL ORTIZ'S STATEMENT OF DISPUTED FACTS

Pursuant to LR 56(a)(4), Massiel Ortiz submits the within Statement of Disputed Facts in response to New York Life Insurance Company's Statement of Undisputed Fact No. 9:

9. The investigation that New York Life conducted into the representations on Mr. Kaydea's application and into his death was anything but "routine". According to its claim file, New York Life conducted an intensive investigation regarding Mr. Kaydea, including a criminal history check, medical history, pharmaceutical history, an inquiry with the Attorney General's office, multiple inquiries with the Cranston Police Department, investigation of his student status, academic and attendance records, interview of Mr. Kaydea's mother, interview with Ms. Ortiz, an investigation into who paid Mr. Kaydea's premiums and the manner in which those premiums were paid, and an investigation into a potential criminal/medical hoax. *Affidavit of Christine Navin* at 115-123.

A 9/11/13 entry in New York Life's case file indicates that the priority of the investigation was changed from standard to elevated. *Navin Aff.* at 119. The "investigation" New York Life describes as "routine" was ongoing and active for almost one (1) year, and failed

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to uncover any reason to deny Ms. Ortiz her benefits other than the fact that the Cranston Police refused to “rule her out” as a potential suspect.

Respectfully Submitted,

MASSIEL ORTIZ
By her Attorneys,

/s/ **Stephen A. Rodio**
/s/ **Michelle L. Felix**

Stephen A. Rodio (#3245)
Michelle L. Felix (#5787)
RODIO & BROWN, Ltd.
2139 Broad Street
Cranston, Rhode Island 02903
Tel: (401) 274-4040
Fax: (401) 274-4099
Email: srodio@rodiobrown.com
mfelix@rodiobrown.com

Dated: June 5, 2014

CERTIFICATION OF SERVICE

The undersigned hereby certifies that a copy of the within was forwarded by regular mail, postage pre-paid, on the 5th day of June, 2014 to the offices of:

Richard K. Corley, Esq.
Corley & Associates
623 Post Road
Warwick, RI 02888

Brooks R. Magretten, Esq.
Pierce Atwood
72 Pine Street
Providence, RI 02903

/s/ Michelle L. Felix (#5787)